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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.

Plaintiff, Counter-defendant
v.

APPLE INC.,

Defendant, Counterclaimant

Case No. 4:20-cv-05640-YGR-TSH

**DECLARATION OF MARK A. PERRY IN
SUPPORT OF APPLE INC.'S
ADMINISTRATIVE MOTION TO SEAL**

The Honorable Thomas S. Hixson

1 I, Mark A. Perry, hereby declare as follows:

2 1. I am an attorney licensed to practice in the State of California, and a member of the Bar
3 of this Court. I am a partner at the law firm Weil, Gotshal & Manges LLP, counsel of record for Apple
4 Inc. (“Apple”) in this case. I am familiar with Apple’s treatment of highly proprietary and confidential
5 information based on my personal experience representing Apple. I have personal knowledge of the
6 facts stated below and, if called as a witness, would testify competently thereto. I submit this declaration
7 in support of Apple’s Administrative Motion to Seal (the “Motion”).¹

8 2. I am aware that the law of this Circuit allows information to be filed under seal for good
9 cause or in certain compelling circumstances. I also understand that courts routinely seal filings where
10 documents include a company’s trade secrets, internal codenames, confidential research and
11 development, personally identifiable information, or other commercially sensitive information. I
12 understand that this Court has broad latitude to prevent the public disclosure of these categories of
13 commercially sensitive information.

14 3. Apple operates in an intensely competitive environment. Apple has serious and
15 legitimate concerns that competitors will be quick to capitalize on any release of Apple’s highly sensitive
16 information in order to gain competitive advantage. As such, Apple takes extensive measures to protect
17 the confidentiality of its information.

18 4. Apple has carefully reviewed the exhibit to Apple’s Objections to Special Master Rulings
19 on Apple’s Productions of Re-Reviewed Privileged Documents (“Objections”), which was filed under
20 section 4 of the Joint Stipulation and Order Approving Privilege Re-Review Protocol (the “Protocol”),
21 and now proposes to partially seal information therein that, if disclosed, would reveal personally
22 identifiable information and non-public, commercially sensitive information.

23 5. Apple seeks to seal this information because the privilege log is required to be filed under
24

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26 ¹ Courts in the Ninth Circuit routinely grant motions to seal based on declarations of counsel. *See*,
27 *e.g.*, *In re Apple Securities Litigation*, 19-cv-02033-YGR, Dkt. 223 (N.D. Cal.); *In re Qualcomm Litig.*,
28 No. 17-cv-00108-GPC, Dkt. 398-1 (S.D. Cal. Mar. 26, 2018); *Avago Techs. U.S. Inc. v. Iptronics Inc.*,
No. 10-cv-02863-EJD, Dkt. 544 (N.D. Cal. Apr. 3, 2015); *Cisco Sys., Inc. v. OpenTV Inc.*, No. 13-cv-
00282-EJD, Dkt. 76 (N.D. Cal. Oct. 8, 2013). If the Court deems this declaration insufficient, Apple
respectfully requests that it be permitted to file a further declaration supporting filing under seal.

1 the terms of the Protocol but contains personally identifiable information in the form of email addresses
2 of Apple employees and non-public commercially sensitive information in the form of a project
3 codename. Public disclosure would reveal Apple's internal business decisionmaking, which could be
4 used by competitors to gain an unfair competitive advantage over Apple. It also contains personally
5 identifiable information in the form of email addresses of Apple employees that Apple intends to keep
6 non-public.

7 6. Apple has narrowly tailored its sealing request as to maximize the public's access to court
8 documents without jeopardizing Apple's business interests. The remainder of the privilege log exhibit
9 remains unredacted.

10 7. Below is a chart detailing the portions of the exhibits sealable for the reasons explained
11 herein, as well as in Apple's Motion.

Portion of Document Sought to be Sealed	Document Title	Reason to Seal
Redacted email addresses	Exhibit A	Reflects personally identifiable information
Redacted codename	Exhibit A	Reflects non-public Apple project codename

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18 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and
19 correct. Executed this 10th day of March 2025, in Washington, D.C.

20
21 Dated: March 10, 2025

Respectfully submitted,

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23 By: /s/ Mark A. Perry

24 Mark A. Perry
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